



**US Army Corps
of Engineers**
Louisville District

Public Notice

Public Notice No.

200400419

Date:

28 Jul 04

Closing Date:

26 Aug 2004

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Ms. Amy S. Babey, CELRL-OP-FS

P.O. Box 59

Louisville, Kentucky 40201-0059

Phone: (502) 315-6691

This notice announces a request to amend the danger zone regulations in 33 CFR Part 334 by establishing a danger zone at the Ft. Knox Military Reservation pursuant to Section 7 of the Rivers and Harbors Act and Chapter XIX of the Army Appropriations Act. Additionally, this notice announces the availability of a Notice of Proposed Rulemaking and Request for Comments for the proposed Danger Zone in the Federal Register dated July 27, 2004.

APPLICANT: Colonel Keith A. Armstrong
U.S. Army Garrison
U.S. Army Armor Center and Fort Knox
Fort Knox, Kentucky 40121-5000

LOCATION: Navigable portions of the Salt River and the Rolling Fork River and the non-navigable portions of Otter Creek, within the installation boundaries of the Fort Knox Military Reservation in Hardin County, Kentucky:

Salt River from Point A (37 degrees 59' 31.72"N; 85 degrees 55' 32.98"W) located approximately 1.2 miles southeast of West Point, Kentucky; southward to its confluence with the Rolling Fork River.

Salt River from Point B (37 degrees 57' 51.32"N; 85 degrees 45' 37.14"W) located approximately 2.8 miles southwest of Shepherdsville, Kentucky; southward to its confluence with the Rolling Fork River.

Rolling Fork River from Point C (37 degrees 49' 59.27"N; 85 degrees 45' 37.74"W) located approximately 1.6 miles southwest of Lebanon Junction, Kentucky northward to its confluence with the Salt River.

Otter Creek from Point D (37 degrees 51' 31.77"N; 86 degrees 00' 03.79"W) located approximately 3.4 miles north of Vine Grove, Kentucky to Point E (37 degrees 55' 21.95"N; 86 degrees 01' 47.38"W) located approximately 2.3 miles southwest of Muldraugh.

PURPOSE: These regulations will enable the Army to prohibit public access to the area and enhance safety and security within active military impact and training areas.

DESCRIPTION OF WORK: 33 CFR Part 334.2 defines a danger zone as a defined water area used for target practice, bombing, rocket firing or other especially hazardous operations, normally for the armed forces. The portions of the Salt River, Rolling Fork River, and Otter Creek within the installation boundaries proposed to be established as a danger zone, pass through active military areas that are in use approximately 320 days each year. Military activities include but are not limited to weapons firing from artillery, M1A2 Abrams Tanks, Bradley Fighting Vehicles, helicopters, and other weapons systems; use of artillery simulators and other explosive devices; and river training. Additionally these areas likely contain unexploded ordnance (UXO), presenting a risk to civilians entering the area.

These regulations are requested to protect the public from potentially hazardous conditions that may exist as a result of Army use and security of the area. The regulations will also safeguard government personnel and property from sabotage and other subversive acts, accidents, or incidents of similar nature. Establishment of the danger zone would be accomplished through non-invasive measures. The applicant would not place any structures or perform any work below the Ordinary High Water (OHW) elevation of the rivers and creek. The Commanding General, U.S. Army Garrison at Fort Knox, would enforce the danger zone, if established.

REVIEW PROCEDURES: Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed establishment will not destroy or endanger any Federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposal. A request for a public hearing must state the specific interest, which might be damaged by the establishment of the danger zone.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed establishment. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed establishment, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to recommend the establishment of the danger zone will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue

from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed establishment. Any comments received will be considered by the Corps of Engineers to determine whether to recommend the establishment of the danger zone. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this request. Any objections, which are received during this period, will be forwarded to the applicant for possible resolution before the determination is made whether to recommend establishment of the danger zone. The recommendation will be made unless it is found to be contrary to the public interest.

Information pertaining to this proposal is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Ms. Amy S. Babey, CELRL-OP-FS at the address noted above and should refer to the Public Notice Number 200400419.